IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.929 OF 1998

Jagannath Baburao Pharande .. Petitioner
Versus
The State of Maharashtra & Anr. .. Respondents

WITH

CRIMINAL WRIT PETITION NO.1386 OF 1998

Avinash Ramdas Thakur .. Petitioner
Versus
State of Maharashtra .. Respondent

Mr.S.P.Thorat for petitioner
Ms.M.H.Mhatre, A.P.P. for respondent No.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th October 2006.

P.C.

. These petitions were admitted and placed before me for hearing and final disposal.

2. Although, the petitioners are invoking this Court's jurisdiction under Section 482 of Cr.P.C. and praying that proceedings in Special Case No.9 of 1998 be quashed by this Court in its inherent powers, After the matter was argued for some time, I expressed a view that if the contentions raised have to be gone into, then, it would entail, atleast, going into the preliminary facts. In such an event, it would be appropriate if the petitioners were to apply for discharge from special case, to the trial court.

3. After taking instructions from the petitioners, Mr.Thorat and Mr.Mendadkar state that they would adopt the course suggested by this Court inasmuch as they would present discharge applications within six weeks from today. However, they prayed that if such application is preferred within the time stipulated, the trial court be directed to deal

with the same expeditiously.

4. In my view, interest of justice would be sub-served if the present petition is disposed of by granting liberty to petitioner to file discharge applications in Special Case No.9 of 1998 and such an application, if filed within the time stipulated, be disposed of within six weeks on its own merits and in accordance with law. If such an application is filed within the time stipulated, the trial court to endeavour and dispose of the same as expeditiously as possible considering the age of present petitioners.

5. All contentions of both sides on merits of the applications for discharge are expressly kept open for being raised before the Special Judge. Petition disposed of accordingly.

(S.C.Dharmadhikari, J)